

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM VERA, aka Memo Vera,
Plaintiff,
v.
WARDEN, et al.,
Defendants.

1:22-cv-00893-KES-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION FOR FAILURE TO STATE A
CLAIM

(Doc. 65)

Plaintiff William Vera, also known as Memo Vera, is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 10, 2024, the assigned magistrate judge issued findings and recommendations to dismiss this action for plaintiff's failure to state a claim upon which relief could be granted, following screening of the second amended complaint. Doc. 65. Plaintiff was afforded 14 days within which to file objections. *Id.* at 23-24. Thereafter, on June 25, 2024, the magistrate judge granted plaintiff's request for a 60-day extension of time within which to file objections. Doc. 68.

On July 8, 2024, plaintiff filed a notice of appeal. Doc. 69. The notice was processed to the Ninth Circuit Court of Appeals and assigned case number 24-4190. Doc. 70. On August 29, 2024, the Ninth Circuit issued its order dismissing the appeal for a lack of jurisdiction. Doc. 72.

In accordance with 28 U.S.C. § 636 (b)(1), this Court has conducted a de novo review of this case. Having reviewed the file, the Court finds the findings and recommendations to be

supported by the record and proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued on June 10, 2024 (Doc. 65) are ADOPTED IN FULL;
2. This action is DISMISSED without leave to amend for plaintiff's failure to state a claim upon which relief can be granted; and
3. The Clerk of the Court is directed to terminate any pending motions and to close this case.

IT IS SO ORDERED.

Dated: November 25, 2024


UNITED STATES DISTRICT JUDGE